

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

American Automobile Association,

Plaintiff,

v.

Mechanical Woman, Inc.,

**d/b/a AAA Transmission; AAA
Transmission Performance Specialists**

S.E.T. (Trust

**d/b/a AAA Transmission Tune-Up &
Brake**

Defendants.

Case 3:14-CV-02368-JGC

ORDER

This matter came before the Court on the Court's Order to Show Cause issued on June 15, 2015. On October 23, 2014, AAA filed a Complaint against Defendant Mechanical Woman, Inc., d/b/a AAA Transmission and AAA Transmission Performance Specialists ("AAA Transmission") and S.E.T. (Trust d/b/a AAA Transmission Tune-Up & Brake for (1) trademark counterfeiting and infringement pursuant to 15 U.S.C. § 1114, (2) trademark infringement, unfair competition, and false designation of origin pursuant to 15 U.S.C. § 1125(a), (3) violation of the Ohio Deceptive Trade Practices Act pursuant to Ohio Rev. Code § 4165.02(A), and (4) common-law trademark infringement and unfair

competition. (Dkt. No. 1.) AAA Transmission was served with the Complaint on November 11, 2014. (Dkt. No. 5.)

On February 25, 2015 AAA filed for entry of default against AAA Transmission. (Dkt. No. 12.) The Clerk of the Court entered default against AAA Transmission on March 16, 2015. (Dkt. No. 15.) AAA filed a motion for default judgment on March 10, 2015 (Dkt. No. 14) and on March 27, 2015 this Court granted that motion and ordered “AAA Transmission and its agents, servants, employees, attorneys, and any and all persons in active concert or participation with it” to immediately and permanently cease and desist from all use of the AAA Marks. (Dkt. No. 18.)

On June 15, 2015 this Court entered an Order to Show Cause ordering “any and all person who in any manner own in whole or in part, are employed by, or in any way affiliated with any of the entity defendants, or who (except for customers) have notice of this Order, whether found at defendants’ premises located at 5250 Airport Highway, Toledo, Ohio 43616, or elsewhere” to appear before the Court on Thursday June 18, 2015 and show cause why they should not be held in contempt of the Court’s March 27, 2015 Order for continuing to operate their business using the AAA Marks. (Dkt. No. 21.) The Order to Show Cause required any such person to bring with them all books and records located at or accessible from the business premises. (Dkt. No. 21.)

On June 18, 2015 attorney for AAA Transmission, Vesper Williams appeared before the Court on behalf of the business, but the owners and managers did not appear. Attorney Vesper Williams did not bring AAA Transmission's books and records to the June 18, 2015 hearing. This Court continued the hearing until June 19, 2015 and ordered all affiliated persons to appear before the Court with the company's books and records. On June 19, Dan Graves, the manager for AAA Transmission, appeared before the Court and stated that Charles Judson Strader is the owner of the business and is affiliated with the named defendant S.E.T. (Trust. Charles Judson Strader did not appear at the June 18, 2015 or June 19, 2015 hearing and the business did not produce the books and records as ordered in the June 15, 2015 Order to Show Cause.

The Court finds that AAA Transmission, its owners and operators, including but not limited to, Charles Judson Strader, Dan Graves and S.E.T. (Trust were on notice of AAA's demands through pre-litigation letters, one of which was signed for by Dan Graves (Exhibits 2 and 3 introduced during the June 18, 2015 hearing). The Court further finds that AAA Transmission, its owners and operators were properly served on November 11, 2014 through personal service on Charles Judson Strader (a/k/a Chuck). (Dkt. No. 5.) Based on the foregoing, it is hereby

ORDERED that this Court's March 27, 2015 Order applies to "AAA Transmission and its agents, servants, employees, attorneys, and any and all

persons in active concert or participation with it” which specifically includes Charles Judson Strader and Dan Graves as the owner and manager of AAA Transmission. Nothing in this Order shall be construed as altering or changing the March 27, 2015 Order which will remain in full force and effect.

FURTHER ORDERED that Charles Judson Strader, Dan Graves and AAA Transmission shall pay a sum of \$3000 to AAA to be applied towards investigator costs and attorneys’ fees.

FURTHER ORDERED that the Ohio Secretary of State shall cancel the following three trade name registrations:

1. “AAA Transmission” registered to Mechanical Woman, Inc.
2. “AAA Transmission Performance Specialists” registered to Mechanical Woman, Inc.
3. “AAA Transmission Tune-Up & Brake” registered to S.E.T. (Trust.

This is a FINAL JUDGMENT.

s/James G. Carr 7/17/15

The Honorable James G. Carr
United States District Judge